

*(As of February 20, 2001)*

**Section 6-1112. Prohibitions --**

1. Discriminatory Practices. No person holding any position in the civil service shall be favored or discriminated against on the grounds of age, race, sex, religion or politics.

2. Political Activities.

(a) No person in the civil service shall (1) use official authority or influence for the purpose of interfering with an election or affecting the result thereof; (2) use official authority or influence to coerce the political action of any person or party; (3) be obliged to contribute to any political fund or to render any political service, nor shall such person be removed or otherwise prejudiced for refusing to do so; (4) solicit or receive any political contribution from any officer or employee or from any person in any city building or from any person receiving any benefit under any law of the State appropriating funds for relief or public assistance; or (5) discriminate in favor of or against any officer or employee on account of any political contribution.

(b) The foregoing prohibited activities shall not be deemed to preclude the right of any person in the civil service to vote and to express opinions as such person chooses on all political subjects and candidates or to be a member of any political party, organization or club. Any person in the civil service may make voluntary contributions to a political organization for its general expenditures. "Contribution" includes a gift, subscription, loan, advance or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution.

3. Other Prohibited Activities.

(a) No recommendation of any person who applies for examination or appointment to any office or position under the provisions of this chapter of the charter which may be given by an elected officer of the city, except as to the ability or character of the applicant, shall be received or considered by any person concerned in the giving of any examination or the making of any appointment under this chapter of the charter.

(b) It shall be unlawful for any candidate for election to any public office or for any public officer or employee, any portion of whose compensation is paid by the city directly or indirectly, to solicit or assess any contribution or assessment for any political purpose whatever from any member in the civil service.

(c) No person shall, in any room or building occupied in the discharge of official duties by any officer or employee, solicit in any manner whatever or receive any contribution of money or other things of value from any officer or employee for any political purpose whatever.

(d) No officer or employee shall discharge, promote or demote or, in any manner, change the status or compensation of any other officer or employee or promise or threaten so to do for giving or withholding or neglecting to make any contribution of money or other things of value for any political purpose whatever.

(e) No officer or employee shall directly or indirectly hand over to any other officer or employee any money or other things of value on account of or to be applied to the promotion of any political object whatever.

(f) No officer or employee shall discharge, promote or demote or, in any

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manner, change the status or compensation of any other officer or employee or promise or threaten so to do because of the political or religious actions or beliefs of such other officer or employee or for the failure of such other officer or employee to take any political action for any political purpose whatever or to advocate or fail to advocate the candidacy of any person seeking an elective office.

(g) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this chapter of the charter nor commit or attempt to commit any fraud preventing the impartial execution of any provision of this chapter of the charter and of the rules and regulations adopted hereunder.

(h) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other thing of value to obtain any appointment, proposed appointment, promotion or proposed promotion to or obtain any advantage in, a position in the civil service.

#### 4. Certification of Payrolls.

(a) No disbursing or certifying officer shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the civil service or otherwise employed under the provisions of this chapter of the charter unless payroll certification has been made by the director or the director's authorized agent that the person named therein has been appointed and employed in accordance with the provisions of this chapter of the charter and the rules and regulations adopted thereunder. The director may, for proper cause, withhold payroll certification for any position or positions in the civil service or for any other position where the director's certification is required under the provisions of this chapter of the charter.

(b) If the director of human resources wrongfully withholds payroll certification for a position in the city service held by any employee, such employee may maintain a proceeding in the courts to compel the director to certify such payroll.

#### 5. Wrongful Payments.

(a) Any citizen may maintain a suit to restrain a disbursing officer from making any payments of any salary or compensation to any person whose appointment or employment has not been made in accordance with this chapter of the charter and the rules and regulations in force thereunder. Any sum paid contrary to the provisions of this chapter of the charter and the rules and regulations established thereunder may be recovered in an action maintained by any citizen from any officer who made, approved or authorized such payment or who signed or countersigned a voucher, payroll, check or warrant for such payment or from the sureties on the official bond of any such officer. The citizen bringing the action shall be entitled to the costs of suit, including a reasonable attorney's fee from any money recovered in such action. The balance of any sums recovered shall be paid into the city's treasury.

(b) Any person who is appointed or is employed in contravention of any provision of this chapter of the charter or of the rules and regulations thereunder and who performs service for which such person is not paid may maintain an action against the officer or officers who purported so to appoint or employ such person to recover the

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agreed pay for such services or the reasonable value thereof, if no pay is agreed upon. No officer shall be reimbursed at any time by the city for any sum paid to such person on account of such services.

6. Restrictions on Appointment and Promotion of Relatives.

(a) No public officer shall advocate one of his or her relatives for appointment or promotion to a position in the same agency or in an agency over which he or she exercises jurisdiction or control.

(b) No public officer shall appoint or promote within the agency to which he or she has been assigned or within an agency over which such officer exercises jurisdiction or control:

(1) one of his or her relatives; or

(2) one of the relatives of either a second public officer of his or her agency or a second public officer who exercises jurisdiction over his or her agency, if the second public officer has advocated the appointment or promotion of that officer's relative.

(c) This subsection shall not prohibit a public officer from appointing or promoting a relative to a position if the relative is on the applicable eligible list submitted by the director of human resources in accordance with the civil service charter provisions, laws, and rules.

(d) As used in this paragraph:

(1) A public officer is deemed to "advocate the appointment or promotion of a relative" if the public officer recommends or refers the officer's relative for appointment or promotion by another officer standing lower in the chain of command. "Chain of command" means the line of supervisory personnel that runs through the involved public officers to the head of the relevant agency.

(2) "Agency" means the same as defined under Section 13-101 of this charter, the council, and any council office.

(3) "Appointment" means the selection of a person to fill a position or the hiring of a person to provide a personal service.

(4) "Public officer" means an employee or officer as defined under Section 13-101 of this charter.

(5) "Relative" of a public officer means a person who is related to the officer as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

*(Reso. 83-357; General Election Charter Amendment Question No. 26; Reso. 95-244; 1998 Reorganization)*